

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: TRICOR DIRECT PURCHASER	:	C.A. No. 05-340-SLR
ANTITRUST LITIGATION	:	(Consolidated)
	:	
	:	

DIRECT PURCHASER CLASS PLAINTIFFS' MOTION
FOR APPROVAL OF FORM AND MANNER OF NOTICE
OF PENDENCY OF CLASS ACTION TO THE CERTIFIED CLASS

By Order dated August 18, 2008 (D.I. 436), this Court certified the proposed class (the "Direct Purchaser Class") and ordered counsel for the Direct Purchaser Class to "file with the Court a motion seeking approval of a form and manner of notice that complies with Fed. R. Civ. P. 23(c)(2)(B)." *Id.* at ¶ 6.

Plaintiffs Louisiana Wholesale Drug Co., Inc., Rochester Drug Co-Operative, Inc., Meijer, Inc. and Meijer Distribution, Inc. now hereby move the Court, pursuant to Rules 23(c)(2)(B) of the Federal Rules of Civil Procedure, for an Order:

- (a) approving of the Notice of Pendency of Class Action ("Class Notice") (attached as **Exhibit A** hereto);
- (b) approving of the Summary Notice of Pendency of Class Action, ("Summary Notice") (attached as **Exhibit B** hereto); and
- (c) approving of the manner of notice (mail and publication) as described in the Plan of Notice (attached as **Exhibit C** hereto);
- (d) requiring Class Notice be mailed to Direct Purchaser Class members via First Class Mail no later than **September 15, 2008**;

(e) requiring the Summary Notice be submitted to an industry publication widely read by Direct Purchaser Class members known as *The Pink Sheet* by **September 8, 2008** (for publication on **September 22, 2008**);

(f) setting a deadline for members of the certified Direct Purchaser Class to opt out of said class by **October 15, 2008**; and

(g) directing other actions necessary to implement the Class Notice, as described in the Plan of Notice.

The grounds for this motion are set forth in the Direct Purchaser Class Plaintiffs' Memorandum of Law In Support of Motion for Approval of Form and Manner of Notice of Pendency of Class Action to the Certified Class, filed contemporaneously herewith.

Dated: August 25, 2008

Respectfully submitted,

/s/ Jeffrey S. Goddess

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